

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JULIUS K. McINTYRE,

Plaintiff,

-against-

THE STATE OF NEW YORK; M.T.A./  
NEW YORK CITY TRANSIT AUTHORITY;  
RAYMOND SILVERY; DONALD FOY;  
GERALD MACK; JEFF KETCHUM;  
RALPH ZABRANNA; MR. FRANCIS;  
ELIZABETH CURRAY; MR. WALSH;  
THE TRANSPORT WORKERS UNION  
100,

Defendants.

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**ORDER AND**  
**CIVIL JUDGMENT**  
09-CV-003394 (ARR)

ROSS, United States District Judge:

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On June 26, 2009, *pro se* plaintiff, Julius McIntyre, brought this employment discrimination action pursuant to Title VII of the Civil Rights Act, 4 U.S.C. §§ 2000e *et seq.*, (“Title VII”) and the Americans with Disabilities Act, 42 U.S.C. §§ 12112-12117, (“ADA”) in the United States District Court for the Southern District of New York (“Southern District”) on June 26, 2009. By Order dated July 15, 2009 (“Transfer Order”), the action was transferred to this Court by the Southern District. By Order dated September 22, 2009, plaintiff’s employment discrimination claim regarding his employment with defendant from 1996 through 2002 was dismissed on the basis of *res judicata*. Solely with respect to his claim of retaliation, however, the Court directed plaintiff to submit an amended complaint within thirty days of the Order. The Court further stated that if plaintiff failed to comply with the Order within thirty days, *i.e.*, by October 22, 2009, judgment would enter dismissing the complaint. Plaintiff has not submitted an

amended complaint and the time for doing so has passed. Accordingly, it is,

**ORDERED, ADJUDGED AND DECREED:** That the complaint is hereby dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/Signed by Judge Ross/

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Allyne R. Ross  
United States District Judge

Dated: Brooklyn, New York  
November 1, 2009

Service List:

**Plaintiff (Pro Se):**

Julius McIntyre  
889 Putnam Avenue  
Brooklyn, NY 11221